D.B.CIVIL SPECIAL APPEAL (W) NO. 695/2006
Kamal Singh v. State of Rajasthan & ors.

Date of order : 03.05.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

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Shri Pawan Sharma for Shri N.Soral for the appellant

This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant. The appellant had filed the writ petition challenging his dismissal from service in a departmental proceeding. The charge against appellant related to unauthorised absence.

We looked into the inquiry report from which it appears that the appellant did not participate in the inquiry and the proceeding had to be conducted ex parte in which finally on consideration of materials on record, the disciplinary authority held the charge to be proved. We called upon the counsel to point out error in conduct of the proceeding. It is well known that result of the departmental inquiry can be challenged on the ground of some error in the procedure resulting in violation of rules of natural justice or statutory rules. Nothing of the kind was shown to us. The appellant was a police constable and he had struck work during the relevant period. Showing indulgence will only result in indiscipline which must be avoided

at all cost in services specially in uniform services. In the circumstances, we do not think punishment awarded to the appellant was disproportionate. We find no ground to interfere in the matter.

The appeal is dismissed.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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